

**AMENDMENTS TO THE CLAIMS:**

The listing of claims will replace all prior versions, and listings of claims in the application:

**LISTING OF CLAIMS:**

1. (Previously Presented) A method of fabricating an electro-optical device suitable for use in an image forming system, the method comprising the steps of:  
embedding sensors in a substrate to form sensor areas, each sensor area substantially overlying an associated sensor, and a non-sensor area;  
depositing a base layer over each sensor area and the non-sensor area;  
applying a first filter layer on at least a portion of the substrate inclusive of the non-sensor area to at least partially planarize the device; and  
applying a second filter layer over at least a portion of the substrate without removing the first filter layer from the non-sensor area.
2. (Cancelled)
3. (Previously Presented) The method of claim 1, wherein, in the step of applying the base layer, the base layer is translucent.
4. (Previously Presented) The method of claim 1, further comprising the step of mounting the electro-optical device in the image forming system.
5. (Previously Presented) The method of claim 1, wherein, in the steps of applying the filter layers, at least one of the first and second filter layers contains a pigment.
6. (Previously Presented) The method of claim 1, further comprising the step of applying the second filter layer on at least a portion of the non-sensor area to at least partially planarize the device.
7. (Previously Presented) The method of claim 6, further comprising the step of applying a third filter layer over at least a portion of the substrate without removing the second filter layer from the non-sensor area.

8. (Previously Presented) The method of claim 7, wherein, in the steps of applying the filter layers, the first filter layer corresponds to a first primary color, the second filter layer corresponds to a second primary color, and the third filter layer corresponds to a third primary color.

Claims 9 and 10. (Cancelled)

11. (Currently Amended) A method of applying a filter layer of substantially uniform thickness for an image forming system, the method comprising the steps of:  
providing a substrate containing at least a first photosensor and a second photosensor, the first photosensor positioned closer to a point of an initial filter application than the second photosensor, the photosensors defining associated overlying sensor areas and non sensor areas; and

applying a first filter layer on the substrate inclusive of at least a portion of ~~[[a]]~~ the non-sensor area of the substrate to create a uniform surface to deposit a second filter layer of ~~[[the]]~~ substantially uniform thickness over the photosensors, the non-sensor area being an area complimentary to each sensor area overlying each photosensor.

12. (Previously Presented) The method of claim 11, further comprising the step of applying a base layer on the substrate before the step of applying the first filter layer.

13. (Currently Amended) An electro-optical device suitable for use in an image forming system, the device comprising:

a substrate;

a first sensor embedded in the substrate forming a first sensor area overlying the first sensor and a first non-sensor area near the first sensor area;

a second sensor embedded in the substrate forming a second sensor area overlying the second sensor;

a third sensor embedded in the substrate forming a third sensor area overlying the third sensor and a second non-sensor area near the third sensor area;

a first filter layer on the second sensor area and at least a portion of the first and second non-sensor ~~[[area]]~~ areas to at least partially planarize the device;

[[and]]

a second filter layer on the third sensor area, the second filter being applied over at least a portion of the substrate including the first and second non-sensor areas to at least partially planarize the device without removing the first filter layer from the at least a portion of the non-sensor [[area]] areas; and

a third filter layer on the first sensor area, the third layer being applied over at least a portion of the substrate without removing at least one of the first and second filter layers from the non-sensor areas.

14. (Previously Presented) The electro-optical device of claim 13, further comprising a base layer on the substrate.

15. (Previously Presented) A method of fabricating a color sensing semiconductor device comprising:

embedding at least a first sensor, a second sensor and a third sensor in a substrate;

the first sensor defining an associated first sensor area, overlying the first sensor, and a first non-sensor area, disposed near the first sensor area;

the second sensor defining an associated second sensor area, overlying the second sensor;

the third sensor defining an associated third sensor area, overlying the third sensor, and a second non-sensor area, disposed near the third sensor area;

depositing a first filter layer over the substrate, exclusive of the third sensor area;

depositing a second filter layer over the substrate, exclusive of the first sensor area; and

depositing a third filter layer over the substrate, exclusive of the second sensor area.

16. (Previously Presented) The method as set forth in claim 15, further including:

applying a clear base layer before depositing the first filter layer over the substrate.

17. (Previously Presented) The method as set forth in claim 15, further including:

removing the first filter layer from the non-sensor areas after depositing the second filter layer; and

removing the second filter layer from the non-sensor areas after depositing the third filter layer.

18. (Previously Presented) The method as set forth in claim 15, wherein the first filter layer corresponds to a first subtractive primary color, the second filter layer corresponds to a second subtractive primary color and the third filter layer corresponds to a third subtractive primary color.

19. (Previously Presented) The method as set forth in claim 15, wherein the step of depositing the first layer over the substrate, exclusive of the third sensor area, further includes applying the first filter layer to at least partially planarize the device.